

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

PETER R. WRIGHT,

Civil No. 18-1815 (JRT/SER)

Plaintiff,

v.

ORDER

JUDGE FRANK MAGILL, and
HENNEPIN COUNTY 4TH DISTRICT
COURT,

Defendants.

Peter R. Wright, 1615 Irving Avenue North, Minneapolis, MN 55411, *pro se* plaintiff.

Kathryn Iverson Landrum, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 1100, St. Paul, MN 55101, for defendants.

Magistrate Judge Steven E. Rau filed a Report and Recommendation, in this case. (R. & R., Jan. 7, 2019, Docket No. 34.) Plaintiff Peter R. Wright filed a Writ of Quo Warranto demanding that the Court show why it has the authority to render decisions in this case, and why this case was submitted to a Magistrate Judge without consent pursuant to Federal Rule of Civil Procedure 73.¹ (Writ of Quo Warranto at 3, 5, Jan. 23, 2019, Docket No. 35.) A Writ of Quo Warranto is an extraordinary proceeding that is only authorized to be brought by the United States. *Johnson v. Manhattan Ry. Co.*, 289 U.S.

¹ The Court notes that Federal Rule of Civil Procedure 73 does not apply to this case as this was not a consent trial. Fed. R. Civ. P. 73. Instead, Rule 72 applies and grants the Court authority to refer certain matters to Magistrate Judges. Fed. R. Civ. P. 72.

479, 502 (1933). The Court has no jurisdiction to hear a Writ of Quo Warranto brought by Mr. Wright, an individual. Thus, the Motions included in plaintiff's Writ for Quo Warranto must be denied.

No objections to the Report and Recommendation were filed within the requisite time period. Therefore, IT IS ORDERED that:

1. The Report and Recommendation [Docket No. 34] is **ADOPTED**.
2. Defendants' Motion to Dismiss [Docket No. 13] is **GRANTED**.
3. Plaintiff's Notice of Motion [for] Recusal of U.S. District Court Magistrates [Docket No. 22] is **DENIED**.
4. Plaintiff's Notice of Motion to Deny Defendants['] Motion For Dismissal and Summary Judgment Pursuant To Failure To Register Foreign Registration Act of 1938 [and] Request For Evidentiary-Hearing [Docket No. 24] is **DENIED**.
5. Plaintiff's Notice of Motion to Deny Defendants['] Motion For Dismissal and Summary Judgment Pursuant To Failure To Register Foreign Registration Act of 1938 [and] Request For Evidentiary-Hearing [Docket No. 25] is **DENIED**.
6. Plaintiff's Motion to Rebut Defendant[s'] Motion for Dismissal for Lack of Subject Matter Jurisdiction [Docket No. 28] is **DENIED**.
7. Plaintiff's Motion to Rebut Defendant[s'] Motion for Dismissal for Lack of Subject Matter Jurisdiction [Docket No. 32] is **DENIED**.
8. Plaintiff's Motion to Rebut Defendant[s'] Motion for Dismissal for Lack of Subject Matter Jurisdiction [Docket No. 33] is **DENIED**.
9. This matter is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: February 4, 2019
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court